Case 1:07-cr-00893-GBD Document 37 Filed 09/20/2007 Page 1 of 1

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. -

JAMES FOX,

Defendant.

WAIVER OF INDICTMENT

OF THE STATE OF THE ST

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The above-named defendant, who is accused of violating Title 21, United States Code, Section 846, being advised of the nature of the charge and of his rights, hereby waives, in open Court, prosecution by indictment and consents that the proceeding may be by information instead of by indictment.

JAMES FOX

USDC SDNY

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Witness:

Date:

New York, New York September 20, 2007

, who is accused of violating

Thomas F.X. Dunn, Escape Attorney for James Fo